

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

JEAN JOCELYN MERILIEN,	:	
	:	
Plaintiff	:	
	:	
VS.	:	
	:	
Warden DARRELL J. HART, Mail	:	NO. 7:08-cv-149 (HL)
Officer ANDERSON, Officers DAMITA	:	
FLEMING and THOMPSON, and Nurse	:	
SELESKA,	:	
Defendants	:	<u>ORDER</u>

On November 25, 2008, this Court entered an order finding that *pro se* plaintiff **JEAN JOCELYN MERILIEN** had “three strikes” under 28 U.S.C. §1915(g). The Court nevertheless found that plaintiff’s claims with respect to Warden Darrell Hart, Officer Damita Fleming, and Officer Thompson satisfied the “imminent danger of serious physical injury” exception and these claims were permitted to go forward. Because the claims against Nurse Seleska and Mail Room Ms. Anderson did not satisfy the exception, such claims and defendants were dismissed.

Before the Court is plaintiff’s motion to reconsider (Tab # 9). In his motion, plaintiff claims that on December 18, 2008, he ordered prison officials to withdraw the full filing fee of \$350.00 from his prison account. He requests that this Court reinstate defendants Nurse Seleska and Mail Room Ms. Anderson.

The Court has yet to receive \$350.00 fee. Moreover, as the Eleventh Circuit held in *Dupree v. Palmer*, 284 F.3d 1234, 1236 (11th Cir. 2002), a prisoner cannot simply pay the filing fee after being denied *in forma pauperis* status; he must pay the filing fee at the time he initiates the suit.

Based on the foregoing, plaintiff's motion to reconsider is **DENIED**. If plaintiff wishes to proceed against Nurse Seleska and Mail Room Ms. Anderson, he must file a separate lawsuit against them, accompanied by the \$350.00 filing fee.

SO ORDERED, this 21st day of January, 2009.

s/ *Hugh Lawson*
HUGH LAWSON
UNITED STATES DISTRICT JUDGE

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